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COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 30 March 1999, at 3 p.m.

Chairman: Mr. SIMKHADA (Nepal)
(Vice-Chairperson)

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In the absence of Ms. Anderson (Ireland), Mr. Simkhada (Nepal), Vice-Chairperson, took the Chair.

The meeting was called to order at 9.05 p.m.

THE RIGHT TO DEVELOPMENT (agenda item 7) (continued) (E/CN.4/1999/6, 19, 20 and 118; E/CN.4/1999/NGO/1 and 2)

1. Ms. JAHAN (Bangladesh) said that it had taken many years for the right to development to be acknowledged as an integral part of fundamental human rights, and to establish that full realization of the right would require a correct balance of all human rights. Democracy, human rights and development were interrelated and mutually reinforcing and thus required concerted action.

2. Inequalities within and among countries posed a direct threat to the realization of the right to development and indirectly jeopardized democracy as well. Poverty was linked to the denial of human rights. Yet there were still over 1 billion people in the world living in abject poverty, and precious resources were still being squandered on weapons of mass destruction.

3. Globalization held out the promise of prosperity, but it was also a challenge to the developing countries since it could lead to uneven development and increased inequality, to the detriment of human rights. Similarly, structural reforms that ignored social realities destabilized democracy and inhibited the enjoyment of human rights. "Development with a human face" was more than a slogan, it was an economic and moral imperative.

4. Domestic reforms alone had proven insufficient and a favourable external financial, monetary and commercial environment was required. A new development consensus had to be reached, with due recognition of the link between the development of the South and world peace and stability.

5. Her Government gave top priority to accelerated and sustainable socio-economic development, with a focus on poverty alleviation, human resources, the integration of women and participatory planning. The central role of the human person was stressed, both as an active participant in and as a beneficiary of development. Bangladesh had already earmarked 31 per cent of its budget for social development, well above the target of the 20/20 Initiative set at the World Summit for Social Development. It was to be hoped that the country's development partners would observe their commitment to earmark 0.7 per cent of their gross domestic product (GDP) for official development assistance (ODA).

6. Genuine implementation of the right to development would require its codification in an international instrument. Discussions should be held to draft a convention on the right to development, possibly in the open-ended working group established by the Commission at its previous session, and the Office of the High Commissioner for Human Rights (OHCHR) should be given the appropriate human and financial resources to work as a matter of priority on the promotion of the right to development.

7. Mr. TCHOUMAREV (Russian Federation) said that there was no question but that all human rights were universal, indivisible, interdependent and

interrelated, as described in the Vienna Declaration and Programme of Action. Ensuring the right to development - meaning not only economic progress but also the social, cultural and spiritual aspects of personal development - was a way of forestalling the social polarization, disorder and upheaval that could result if one set of rights was ensured and another neglected.

8. The right to development was becoming an increasingly important tool to eliminate poverty and reverse social, economic and cultural deprivation. The ability to work and provide for oneself was just as important for human dignity and democracy as was the right to take part in free elections or to express an opinion.

9. Innovative approaches were needed at both the national and the international levels, for structural adjustment and insufficient growth were preventing the realization of the right to development. United Nations development agencies should pay more attention to human rights. OHCHR should continue involving the World Bank, the International Monetary Fund (IMF), the United Nations Development Group (UNDG) and others in working to realize the right to development. The follow-up mechanisms established the previous year should concentrate on the international legal obligation of all States to create favourable conditions for development. His delegation hoped the resolution on the right to development would be adopted by consensus.

10. Mr. HERNÁNDEZ BASAVE (Mexico) said that the full realization of all human rights could not be dissociated from development, and that national and international policies conducive to development were required for economic and social progress. The development efforts of most countries had been thwarted by the conditions prevailing in the international economic system. An international effort to remove such obstacles was urgently needed, as four fifths of the people in the world consumed only 17 per cent of the resources, and one person in every five was living in abject poverty.

11. The Vienna Conference had been the culmination of a long process that had begun with the adoption in 1986 of the Declaration on the Right to Development. The Declaration called for international cooperation to complement national efforts, in particular by eliminating obstacles to development.

12. Between 1993 and 1997, the Commission had had two working groups concerned with the implementation of the Declaration, which had identified obstacles to its complete realization and drawn up a strategy for its promotion and implementation. Both groups had, however, failed to refer directly to the articles in the Declaration which established the obligation of all States to create an international environment conducive to development. His delegation trusted that the new working group set up pursuant to resolution 1998/72 would formulate recommendations on each and every one of the Declaration's 10 articles.

13. Special attention should be paid to the flight of capital from the developing world to the developed countries, to foreign debt, to the instability and low level of commodity prices and to the constant and absurd waste on weaponry. Attention should also be drawn to the need to eliminate

economic measures taken unilaterally for coercive purposes, the extraterritorial application of domestic legislation and the use of human rights for protectionist or political ends.

14. The High Commissioner for Human Rights should promote the incorporation of the right to development in the international economic policies of the major international economic actors such as the Bretton Woods institutions or the G-7 members. His delegation had already proposed the establishment of an early-warning system for financial crises, which had become one of the main obstacles to development. Urgent measures had to be taken to ensure international economic stability.

15. The resolution on the right to development should be adopted by consensus, and should include concrete measures to promote the right. More specifically, it should incorporate the right to development into the International Bill of Human Rights.

16. His Government attached high priority to social development through economic growth and job creation, while at the same time keeping inflation under control, maintaining sound public finances and adopting a flexible monetary policy when the country faced economic difficulties. The drop in petroleum prices and the flight of foreign short-term investments had restricted access to resources. As a consequence, three times in the last year the Government had had to adjust public expenditure. In order to combat social ills both nationally and in Chiapas, however, it had continuously increased social spending, which currently stood at 60 per cent of disposable expenditure, or 9.1 per cent of GDP, as opposed to 33 per cent and 5.8 per cent, respectively, just 20 years previously.

17. Ms. RUBIN (United States) said that nations that limited the freedom of their citizens limited their ability to respond to the people's needs, to develop commercial opportunities and to create new jobs. Her delegation thus strongly supported the Vienna Declaration and Programme of Action, which stated that "the lack of development may not be invoked to justify the abridgement of internationally recognized human rights".

18. Democracy, free institutions and vibrant civil societies provided the strength, trust and legitimacy that enabled nations to address their internal needs, to adapt to changes and maintain themselves through troubled times.

19. In a world of global commerce, prosperity flowed to nations where free markets flourished, corruption was fought and legal systems functioned. Both capital and labour must be respected so the two could work together instead of against one another. The United States Agency for International Development (USAID), which operated in 83 countries on all continents, strove to strengthen human rights, the rule of law, democratization and civil society, while at the same time expanding markets, increasing development chances for the poor and building educational opportunities.

20. The United States remained the largest donor to the developing countries and the largest contributor to both global and regional international financial institutions. Trade and investment could, however, offer benefits that assistance could not, because trade meant jobs, and employment was, as

the new Director-General of the International Labour Office (ILO) had said, "the first step out of poverty". The United States had an open market with low tariffs, and in 1996 had imported some US$ 279 billion worth of goods produced in developing countries, more than any other country.

21. Earlier in the current month, a United States-African ministerial meeting had been held at which representatives from 50 African countries and 8 African regional organizations had met senior United States officials and had drawn up a "blueprint" for future partnership in the twenty-first century. The plan addressed the immediate concerns of African nations, such as debt relief and education assistance, as well as the structural importance of trade, investment and economic reform in helping countries ensure social and political development and the prosperity that underpinned it. Prior to the meeting, the President of the United States had announced a major new initiative to assist the most heavily indebted, poor countries (HIPC) by striking up to US$ 70 billion from the books.

22. The HIPC initiative, which was to be discussed with the other G-7 members, would complement the ongoing cash flow forgiveness efforts organized by the Paris Club, and would forgive bilateral concessional loans entirely and up to 90 per cent of non-concessional loans. It would also establish an international commitment to provide at least 90 per cent of all future aid to HIPCs on a grant basis, so as to avoid driving up debt-servicing costs, and seek to reduce the debt by channelling resources away from debt-servicing and towards education and environmental protection. Funds that would otherwise be due to the United States could instead be used to establish nature preserves or build schools, thus directly benefiting the people of Africa and other developing countries.

23. Mr. LABBE VILLA (Chile) said that his delegation strongly disapproved of the practice whereby texts different from those adopted by consensus in Geneva were submitted in New York. It attached much importance to the right to development, which was an integral part of the indivisible and interdependent set of all human rights, and hoped that the draft resolution on the subject would be adopted by consensus.

24. The right to development was not, however, *jus cogens*, as were the provisions of the International Bill of Human Rights. Human rights had a hierarchy, like a domestic legal system. A labour code, for example, did not lose any of its effect simply because it was subordinate to a constitution.

25. The right to development had originally emerged as a right to economic development, but it could be seen in a wider perspective either as a right to the complete development of the human being or as a right to the economic development of peoples. In either case, its implementation presupposed the realization of the rights provided in the International Bill of Human Rights, which indeed were *jus cogens*, for it was impossible to achieve the right to development, either economic or personal, without a genuine respect for civil and political rights.

26. His delegation did not share the view that the right to development was a kind of prerequisite for the achievement of the other human rights. That was a bold and rather dangerous idea, which deliberately ignored the fact that

there was no consensus on the exact content and scope of the right to development. It was, logically, quite impossible to give a vague right the status of a precondition for rights that had been well defined and universally recognized. The right to development should not be introduced into the International Bill of Human Rights, nor should it be the subject of a convention.

27. The right to development was still evolving as a legal concept, and required serious work on the part of the international community. The situation was similar to that of the concept of the 200-mile limit for territorial waters, which had been launched in 1947 and which, 50 years later, had become an accepted norm of public international law.

28. The Commission's 1998 resolution had advanced the protection and promotion of human rights by establishing a dual follow-up mechanism for the right to development, which provided a forum in which to move ahead in the definition of the right. That did not, however, constitute a legal recognition of the right. The worst thing that could happen to the right to development would be for it to be perceived as a product of the South, as that would condemn it to being disregarded for political reasons. It was very important to maintain a consensus so that the right's universal character could be preserved.

29. Economically speaking, development was more than anything else the result of efficient policy, and economic policy was to be judged not by its good intentions but by its actual performance. Chile was in a region where the vast majority of States had achieved economic progress in the 1990s by opening their economies and taking advantage of globalization. It was to be hoped, therefore, that the draft resolution on the right to development would reflect the viewpoints of the Latin American and Caribbean countries concerning globalization and development.

30. The active subjects of the right to development were all the citizens of a State and the passive subject was the State itself. The right to development obliged all States to apply effective policies conducive to development. Each of them had to ensure that its financial regulations were transparent, that tax discipline was respected and that corruption was resolutely curbed. Words were not enough. If they were, then Latin America would be the most developed region of the world.

31. Mr. NDIAYE (Senegal) said the idea had long since been disproved that the right to development was a claim artificially put forward by the poor countries against the rich countries. Human rights still remained divided, however, owing to the obstacles hindering the realization of economic rights and the right to development. Economic globalization and the growing domination of market forces were causing concern among many countries, which were unable to maintain their competitiveness and which ran the risk of marginalization. Human rights could help to ensure a better understanding of responsibilities in such a situation.

32. According to the first of the six priorities in the Human Development Report 1997 "the starting point is to empower women and men - and to ensure their participation in decisions that affect their lives and enable them to

build their strengths and assets". The corresponding 1998 report emphasized that the rights to health, to food, to housing and to education were inseparable from the other human rights. His Government was in favour of a binding convention based on the Vienna Declaration and the Copenhagen Declaration on Social Development, as those two instruments clearly contained all the human rights set out in the two international Covenants, but also stated that those rights were indivisible.

33. The implementation of the Declaration on the Right to Development was a sensitive question, and the Commission would not always be able to satisfy everyone. All delegations should therefore remain open to suggestions and seek consensus. The High Commissioner had a major role to play, as the questions relating to the right to development and several social and economic rights often went beyond the competence of the Commission's working groups and experts. In the discussion on the right to development, all the treaty bodies and specialized agencies should take part, each of them stressing its own field of competence.

34. The old assertion that economic and social rights were unenforceable in law or in some way less individual than civil and political rights did not stand up to a logical examination of the facts. Their object, which specifically involved the terms of functioning of a market or an institution, could well be more complex, but they still had the same philosophical source as civil and political rights. An "objection of impoverishment" should be every bit as important and serious as an "objection of conscience".

35. His delegation supported the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, which was designed to provide international remedies for victims of serious and systematic violations of the rights guaranteed by the Covenant who had exhausted domestic remedies.

36. Mr. AL-THANI (Qatar) said the Vienna Declaration and Programme of Action stated that the right to development was a fundamental human right, and that the international community had a responsibility to ensure that right. It was incumbent upon all States to work at both the national and international levels to create an environment conducive to the achievement of all human rights. His delegation wished to emphasize the importance of the right to development and the need for balance in development. The right to development could be achieved only if all human rights were ensured.

37. All developing countries deserved assistance to prevent their marginalization in a world undergoing globalization. The gap between the North and the South was widening, and the foreign debt of the developing countries represented a formidable obstacle to development.

38. His Government had taken steps to realize the right to development, with balanced and equitable development, encouraging the development of all social classes. Democracy was of prime importance at the economic level as well as at the political level.

39. Mr. PURWANTO (Indonesia) said that every nation and every human being within a nation was entitled to equal opportunity for development. Despite the new development opportunities brought about by globalization, however, developing countries very often ran the risk of marginalization. The Declaration on the Right to Development stipulated that all States had the duty to cooperate with each other to eliminate obstacles to development, and lasting progress toward the realization of the right to development would require equitable economic relations and a favourable international economic environment.

40. Popular participation was essential to both development and human rights, and the greater the awareness of rights, the stronger the demand for institutional safeguards. Widespread poverty inhibited the full enjoyment of human rights and left democracy and participation fragile. At the global level, the lack of participation of developing countries in drawing up macroeconomic policy had a far-reaching impact on the world economy and adversely affected their development.

41. Concerted action was needed both nationally and internationally to mitigate such problems and ensure an economic climate conducive to the realization of the right to development. At the international level, an open, rule-based, accountable, predictable, just, equitable, comprehensive, development-oriented and non-discriminatory system was required to permit broader and stronger participation of developing countries in international economic decision-making as they faced liberalization and globalization.

42. The main focus of the study conducted by the independent expert on the right to development should be the concept of an effective national development policy and the individual and collective duty of States to ensure a favourable international economic environment.

43. Any right evolved in three phases: conceptualization; articulation in legal terms; and adoption of a legally binding enactment. The right to development had undergone a long period of conceptualization and had been articulated in the Declaration adopted in 1986. The follow-up mechanism established by the Commission should therefore consider the elaboration of a convention with a view to devising a specific mechanism for its implementation. To strengthen its universal application and give it a place commensurate with its importance, the Declaration on the Right to Development should be included in the International Bill of Human Rights.

44. The right to development was more than a mere synthesis of the classic individual rights or of framework rights. It was a right in its own standing, which also provided a comprehensive approach to the promotion and protection of all human rights. Its implementation at the international level was not an imposition on the developed nations of the duty to assist the developing countries; it was intended to protect the dignity and promote the prosperity of everyone. As the Declaration of Philadelphia, adopted by the International Labour Conference in 1944, had affirmed, "poverty anywhere constitutes a danger to prosperity everywhere".

45. Mr. MAHMOUD (Sudan) said he was disappointed at the slow progress achieved in realizing the right to development and eradicating poverty. The debt burden, declining levels of ODA and insignificant flows of foreign direct investment (FDI), especially to the least developed countries, continued to curtail the developing countries' potential to realize the right.

46. Globalization, for all its opportunities and benefits, also brought with it risks, as demonstrated by the Asian crisis, and it had failed to narrow the gap between rich and poor. There were few developing countries that had benefited from globalization. The international community should engage in a serious dialogue to draw up ideas on how best to safeguard against the further sidelining of those countries.

47. At its previous session, the Commission had adopted resolution 1998/11 on human rights and unilateral coercive measures, in which it had rejected the use of such measures as tools of political or economic pressure against any country, and particularly against developing countries, because of their negative effects on the human rights of vast sectors of their populations. It was a matter of grave concern that the very sectors mentioned in the resolution were unfortunately paying the price of an illegitimate embargo on his country which had blocked the procurement of spare parts and thus disabled the railways, depriving the people of the south of relief supplies.

48. Coercive unilateral measures based on unsubstantiated pretexts were also responsible for the destruction of vital development facilities, such as the Shifa pharmaceutical factory in Khartoum. The Commission should take note of the implications of the unjust use of coercive measures, in total disregard of international law and the Charter of the United Nations, which constituted a blatant violation of the right to development.

49. Mr. RODRÍGUEZ CEDEÑO (Venezuela) said that the elaboration of an international legal standard had to reflect the social reality to which it applied. Any codification of the right to development would necessarily have to be concerned with the process of the progressive development of international law, whereby legal standards were drawn up to deal with changes that were expected to occur. The right was a collective, subjective right which would, once codified, become *jus cogens*, meaning that States could not legislate against it. Its definition, which was already complex, must therefore be adapted to the new realities in a constantly changing society.

50. Development was not just economic; it had social, cultural and political aspects as well. In itself, it was not so easy to define, but any current discussion of development would have to include consideration of another as yet undefined concept, globalization, which was still establishing the rules governing relations between States. Those rules would have to take into consideration a number of factors, including the necessary international solidarity and the growing trend toward the creation of a genuine international community.

51. The right to development must therefore be established within the framework of globalization, which required specific rules to promote social progress and better living conditions, in accordance with the United Nations Charter. His delegation trusted that the efforts of the working group and the

independent expert would make it possible to move ahead in the conceptual definition of the right in the light of the new realities prevailing in the world. In the meantime, the Commission should adopt a balanced resolution on the right to development that was acceptable to all.

52. Mr. GARCÍA (El Salvador) said that his delegation understood the right to development as the right of the individual to have the tools needed to develop his or her human potential, and also as the collective right of peoples to produce wealth, to grow, to develop and to have access to basic services. The responsibilities of the Governments and of the international community were complementary in ensuring that right.

53. Sustainable human development faced obstacles, such as the alarming spread of extreme poverty, hunger, illness, illiteracy and the lack of decent housing for the majority of the people in the world, which called for concerted action and strategic alliances to unite efforts at all levels.

54. Globalization offered many opportunities for development, but it had to be recognized that the gap between the developed countries and the developing world was growing. The technological advances and the human, economic and strategic resources that could have served the international community to overcome underdevelopment were concentrated in the developed countries. The marked asymmetry between countries and regions made it all the more necessary to promote a dialogue to ensure that all countries could express their views and improve cooperation with the main international development organizations, not forgetting the important contribution made by the Bretton Woods institutions.

55. Civil society had a proactive role to play, as the human person was the central subject of development, which involved the promotion of appropriate economic, social, political, cultural and environmental conditions conducive to the virtuous triangle of peace, democracy and development.

56. Mr. MORJANE (Tunisia) said that, while there was a broad consensus on the right to development, the realization of that right had encountered numerous obstacles. Over and above the conceptual debate on the right, the underdevelopment and utter poverty in which much of mankind lived was unconscionable. According to the UNDP Human Development Report, meeting the basic needs for food, water, sanitation, education and health of all developing countries would require resources equivalent to about 4 per cent of the cumulative wealth of the world's 225 richest people. Some 1.3 billion people lived on less than one United States dollar a day, and 3 billion on less than two dollars.

57. The statistics indicated that it was no longer a question of a lower level of development but rather of an actual deterioration. Over 100 developing countries and countries in transition had experienced a serious economic regression, whereby per capita income had fallen below its level of 10, 20 or 30 years previously. Unless the international community corrected that situation, the human right to development would become a hollow concept and not only would civil and political rights be threatened but even the right to life itself.

58. In some societies, particularly in Africa, poverty had worsened, fuelling political crises and regional conflicts. Stereotyped development models and preconceived reform patterns imposed on them had failed, while their traditional lifestyles, which had proven their worth for centuries and were an integral part of their cultures, were being rapidly discarded. The hopes raised by the profound changes in the world in the late 1980s had evaporated. African countries had become still poorer, and the obstacles to respect for human rights included not only armed conflict among and within nations but also poverty, sickness and famine.

59. Tunisia had chosen a path which placed the human person and his or her dignity at the centre of all development. Civil and political rights could not develop and be strengthened without a minimum of economic and social needs being satisfied. Tunisia's development strategy had made it possible to improve the living standard of its citizens and to reduce poverty significantly, through a wide distribution of the wealth generated by growth and a series of social protection measures. Various institutions had been set up, including a National Solidarity Fund, the Tunisian Solidarity Bank and a system of micro-credits.

60. Mr. ZAHRAN (Observer for Egypt) said that the globalization of trade had led to increasing problems for the developing countries, which faced financial and other crises that threatened their progress and development. In addition, the gap between rich and poor countries was growing. It had been hoped that the resolution adopted by the Commission in 1998 on the right to development together with the appointment of an independent expert would help to restore a balance. The marginalization of the developing countries in the international economic system and the use of social and environmental conditions for protectionist purposes were obstacles to the realization of the right to development and of economic, social and cultural rights.

61. Most developed countries had failed to meet their obligation to provide 0.7 per cent of their GDP as ODA. Developing countries also faced the problem of their foreign debt, which was becoming worse as a result of globalization. The international community, and particularly the developed countries, must seek to overcome the obstacles to restructuring faced by the developing countries.

62. Ms. SACTOS PAIS (United Nations Children's Fund (UNICEF)) said she hoped that the tenth anniversary of the adoption of the Convention on the Rights of the Child would be marked by the mainstreaming of children's rights in the Commission's agenda and, in particular, in its work on the right to development.

63. The Convention on the Rights of the Child had been almost universally ratified and had shown that development policies needed to be guided and informed by human rights. It reaffirmed the universality, indivisibility and interdependence of human rights, fostering participation and recognizing the central role of the human person. The Convention also served as a human rights reference in the approach to development not only for UNICEF, but also for United Nations bodies, bilateral programmes and national development strategies.

64. The world had undergone some macroeconomic shocks in 1998 which had led to an increase in poverty and disparity, had left millions of people without access to basic social services and had resulted in serious social repercussions. In Indonesia, the number of people living in poverty had risen from 22.5 million in 1996 to 80 million in 1998. In Thailand, some 400,000 children had dropped out of primary school. In many countries, there had been an increase in child labour and in child prostitution.

65. ODA had fallen to an historic low of 0.22 per cent of the combined GNP of developed countries in 1997 and countries with high child mortality, high birth rates and low access to primary education had been hit hardest by the cuts. Children were the most vulnerable victims in such circumstances. It was precisely during such economic and social crises that human rights took on a real meaning and had to be translated into effective action.

66. Mr. RAJA NUSHIRWAN (Observer for Malaysia) said he welcomed the increasing attention paid to the right to development in all quarters and particularly in the speech by the Minister for Foreign Affairs of Germany on behalf of the European Union. It was to be hoped that a consensus would be reached on the draft resolution devoted to the issue.

67. One of the lessons of the financial crisis that had shaken many Asian economies in 1998 and persisted and spread in 1999 was that economic success could not be assured in the long run unless all human rights, including economic, social and cultural rights, were observed and guaranteed. The primary lesson, however, was that there must be limits to the economic action taken by unaccountable agents such as financial speculators, failing which the human rights of the many would be systematically violated for the profits of the few. Democracy was a necessary condition for economic success but was not in itself a sufficient condition.

68. Attempts had been made - perhaps unwittingly - to redefine the right to development. For example, it had been said that the Declaration on the Right to Development had started a process of deliberation towards building up the new paradigm of development, based on human rights. In actual fact, the new paradigm was rather a paradigm of human rights based on development. The independent expert should heed the warnings reiterated time and again by the developing countries and be careful not to fall into the trap of redefining the right to development, a right to which the developed countries appeared to pay lip service only.

69. Mr. BOUAH-KAMON (Observer for Côte d'Ivoire) said that the Declaration on the Right to Development and the Universal Declaration of Human Rights affirmed the responsibility of States for the realization of the right to development, while also specifying that international cooperation was a corollary to that responsibility.

70. The right to development encountered more problems in its implementation than in its conceptualization, which was why the Commission had, at its previous session, established a follow-up mechanism and appointed an independent expert. The consideration by the independent expert of theoretical aspects of the right should aim at strengthening the concept rather than diluting it by referring to ephemeral contexts such as

globalization. Indeed, it was difficult to see how each State could meet its obligation to implement the right to development until the obstacles facing the developing countries, such as the debt burden, negative net transfers and falling commodity prices, had been removed.

71. The initiative taken by Germany and France, together with a number of other countries and NGOs, to cancel the debts of the highly indebted poor countries (HIPC) was a welcome and positive sign of the political will to eliminate one of the most serious obstacles hindering the implementation of the right to development. His own Government was making efforts to consolidate the country's growth, balance its public finances and combat poverty. The responsibility of States to realize the right to development went hand in hand with international solidarity and cooperation among States.

72. Mr. GOLEDZINOWSKI (Observer for Australia) said that his Government applied a few simple principles to its policies in relation to the right to development, among them being the idea that human rights and sustainable development were best promoted and realized when States exercised authority in a way that was transparent, accountable, effective, equitable and participatory and promoted the rule of law.

73. His delegation, which had been a sponsor of the resolution adopted by consensus at the Commission's previous session, was disappointed that the General Assembly had adopted a resolution on the same subject without consensus a few months later. That had done nothing to advance the right to development. The text on the right to development should be adopted at the current session by consensus, as a result of focusing on the many areas of agreement. Areas of disagreement should be discussed in a positive atmosphere at the working group meeting later in the year. Most importantly, perhaps, the approach to the discussion of the right to development should be transparent, open and inclusive. Most of the root causes of underdevelopment had already existed for far too long. Attention in the working group should be focused on them.

74. Mr. LINN MYAING (Observer for Myanmar) said he was concerned that so little progress had been made in implementing the Declaration on the Right to Development, which had received very little support and attention in comparison with other human rights issues. Problems had been encountered at both the national and international levels, and progress in overcoming the obstacles was still inadequate.

75. The gap between the developed and developing countries remained unacceptably wide. One way to narrow it would be to strengthen the participation of developing countries in international decision-making. Another would be to provide ODA, technology transfers and financial and technical assistance. The drop in the level of ODA was not very encouraging, but further assistance to States in need could go a long way towards realizing the right to development. Such international cooperation should, however, be provided free of conditions.

76. His Government considered that the World Bank and other international financial institutions should incorporate the right to development into their

projects. It thus supported the General Assembly's resolution calling on the Secretary-General and the High Commissioner for Human Rights to work with the World Bank to that end.

77. His Government had, since 1988, undertaken to restructure the economy, transforming a centrally planned economic system into a market-oriented one with broad participation by the private sector. It had thus ensured economic growth, and had since turned its attention to the development of the infrastructure. It was fully committed to the realization of the right to development, though it faced daunting odds owing to the imposition by certain countries of coercive economic measures.

78. Mr. AGURTSOV (Observer for Belarus) said that Belarus was well aware of the fact that the destruction of the environment led to the violation of the basic human right to life, as it had borne the brunt of the consequences of the Chernobyl accident. It appreciated the international support and solidarity it had received and was also aware when such backing was not forthcoming. Up to a quarter of the national budget had had to be earmarked to dealing with the effects of the accident, thus delaying for years the implementation of some very important social and economic programmes. However, Chernobyl had not and would not be used as an excuse to neglect social programmes. In fact, in the accident's aftermath, his Government had taken steps to develop the public health system, to ensure that foodstuffs were safe and to introduce environmental education programmes for young people.

79. One of the country's most significant social achievements was the universal and compulsory public education system. One out of every four people in the country was a pupil or a student, and nearly 500,000 people worked in the educational sector.

80. Belarus attached great importance to development. The Constitution provided that social services would be a priority of the State's policy, and a referendum held in 1996 had enlarged the social and economic rights of citizens. With the support of the Economic Commission for Europe (ECE), the Government had established a Regional Centre for Sustainable Development at Minsk, with the aim of enhancing international partnership in tackling the development problems of the transition economies.

81. Mr. MAMDOUHI (Observer for the Islamic Republic of Iran) said that the lack of equilibrium in the international economic system and the absence of an enabling economic environment had hampered the enjoyment by peoples in the developing world of human rights, including the right to development. While the right to development had been increasingly recognized as a factor contributing to the promotion and protection of human rights and to international peace and security, there were still some who believed in a hierarchy of human rights. In their view, civil and political rights came first, a fact reflected in the workings of OHCHR and, in particular, in the contribution levels to the voluntary funds.

82. As the Vienna Conference had affirmed, all human rights must be treated equally and on the same footing. Throughout the United Nations system, efforts should be made to ensure that high priority was given to the promotion

and realization of the right to development as a vital element of a human rights programme. OHCHR should consult States regularly on the follow-up to the Declaration on the Right to Development and submit reports to the open-ended working group on its activities to implement the right to development. In addition, States, international organizations and the working group should all examine the extraterritorial implications of the policies of States for human rights.

83. Mr. PAPPA (Observer for Switzerland) said that a number of controversial points had to be clarified in order to make it possible to implement the right to development, including the interpretation of the term itself and the conditions required for its application. A balance had to be struck between the collective and individual aspects of the right. The independent expert's statements in that regard were highly appreciated. Implementation of the right to development was certainly a complex task involving a balanced, integrated and multifaceted approach, a pragmatic approach rather than an ideological one.

84. At the national level, implementation required participation and favorable conditions, such as sound management of public affairs, the rule of law and respect for human rights. Switzerland had strengthened its support for such conditions in the countries with which it cooperated, adopting comprehensive guidelines for human rights, the rule of law and anti-corruption campaigns.

85. At the international level, development was closely related to trade and financial flows and to policies drawn up in the international trade and development forums. As the right to development was influenced by the economic, social and cultural aspects of globalization, the international economic and financial institutions should be involved in the discussions on that right. Moreover, OHCHR, ILO and the international development organizations should strengthen their mutual cooperation in respect of the right to development. The right to development had its limits, however, and it should not be regarded as a panacea for all problems, especially for those related to international economic relations.

86. Mr. KHELIFI (Observer for Algeria) said the legitimacy of the developing nations' aspiration to realize the right to development stemmed from the fact that some of the causes of underdevelopment were historical in nature. The right to development was thus a moral debt owed to the developing countries.

87. States were no longer the only entities responsible for development policies and inequality seemed to reign in multilateral trade and economic relations. The weight of history and the development of globalization imposed on countries the duty to cooperate effectively to eliminate obstacles to the realization of the right to development. The United Nations had, in its various relevant texts, established that the realization of the right demanded effective national policies, but also equitable economic relations and a favourable international economic environment.

88. At its previous session, after years of controversy and sterile polemics, the Commission had finally arrived at a consensus on the right to development. The High Commissioner had given it high priority and the

Commission had established a mechanism to follow up the Declaration on the Right to Development consisting of an independent expert and a working group. That mechanism should be given the appropriate means with which to carry out its mandate.

88. Paradoxically, equal opportunity for developed and developing countries was far from guaranteed in a globalized world. It was therefore imperative that international solidarity should take practical form. The international community could not ensure peace, stability and security in a world without shared prosperity and shared development.

89. Mr. AL-ATTAR (Observer for Yemen) said that, without sustainable development, fundamental rights could not be enjoyed, whatever the national and international legislation adopted. His Government therefore gave priority to the right to development in its programmes, and had adopted an appropriate free-market policy to invigorate the national economy.

90. His Government implemented development policies that took into account the importance of democracy and participation, with a view to achieving political, economic and cultural development objectives. Despite all those efforts, the country's infrastructure was weak, and that represented an obstacle to the attainment of development objectives. Many other developing countries encountered similar problems.

92. International cooperation, whether provided in the framework of the United Nations, bilaterally or regionally, was insufficient. The international community should assume its responsibility for the establishment of an appropriate economic context so that the developing countries, if they adopted the necessary policies, could achieve economic progress and enjoy greater equality. International cooperation should be enhanced so as to enable the developing countries to benefit from globalization.

93. Miss SÁNCHEZ REYES (Observer for Nicaragua) said that human dignity, the basis for all human rights, could not be protected when so many people in the world were victims of abject poverty, hunger and sickness and lacked work, housing and education. It was only through sustainable development that a progressive improvement in the quality of life could take place that would ensure the full respect of human rights for all.

94. Nicaragua, despite all the obstacles that it had to face, continued and would continue to work for development through socially equitable economic growth that respected the environment and guaranteed the quality of life of future generations. Nicaragua had made significant progress in ensuring human rights in recent years. It had become a democratic country, where people enjoyed freedom of expression and culture with full participation by civil society in decision-making.

95. There was still much to be done. The economy was fragile and its development had so far been modest. Extreme poverty persisted, as did unemployment, heavy foreign debt and a shortage of housing, all of which had been made worse by the natural disaster of the previous year. An

international environment of cooperation, comprehension and flexibility was needed if her country was to make progress in realizing the right to development.

96. Ms. MOFYA (Pax Romana) said that the debt burden was a real obstacle to the effective implementation of the right to development. Governments of highly indebted countries found it difficult to service their debts and to fund social services. Health, education and other basic services for some of the world's poorest people were being compromised while Governments made servicing payments on debts that could never be repaid. As long as the debt issue was not properly resolved, such economies would remain underdeveloped.

97. The Jubilee Year, 2000, was an appropriate time to forgive debts and to undertake a new beginning with more justice in international relations. Debt relief for the highly indebted poor countries (HIPC) only was the simplest and most direct of the options available, but it was not, perhaps, the one that the change of millennium required. Indebted countries needed relief immediately, not three or six years into the future, and all the 41 countries identified as HIPC should receive debt relief equally and without exception.

98. Debt was causing extreme poverty in over two thirds of the world. Her organization therefore asked that a specific in-depth analysis of possible debt-relief mechanisms should be included in the next report of the independent expert on extreme poverty to the Commission at its fifty-sixth session. The Commission should also adopt a statement by the chairperson in favour of worldwide debt cancellation according to the conditions suggested by UNDP, a statement to be addressed to the next meeting of the G-7 at Cologne in June 1999.

99. Ms. NEUBY (Centre Europe - Tier Monde), speaking also on behalf of the Movement against Racism and for Friendship among Peoples, said that, as far back as 1978, the report by the Secretary-General on the right to development had noted the obstacles to development, including economic domination, unfair terms of trade and external restrictions on national sovereignty over natural resources. The Secretary-General of the day considered that foreign economic domination must be eliminated as a prerequisite for development. That situation had only worsened in the ensuing decades, yet the current Secretary-General portrayed unfettered capitalist globalization, which simply strengthened the economic and political domination of the South by the North, as both inevitable and beneficial.

100. Economic colonization through the World Bank and IMF, by means of structural adjustment programmes, perpetual debt, unfair terms of trade, multinational enterprises and the World Trade Organization (WTO) agreements, had replaced direct colonization but still resulted in enormous transfers of resources from the South to the North. Many countries had lost much of their political sovereignty. Multinational corporations were establishing oligopolies, devouring small and medium-sized enterprises, encouraged by the privatization and liberalization promoted by the IMF and the World Bank. Yet the Secretary-General could see nothing wrong with that, even if it compromised national sovereignty and the right to development.

101. For its part, UNDP had adopted an initiative entitled Global Sustainable Development Facility - $2/$1: 2 Billion to the Market by the Year 2020, a project which could do a serious disservice to that agency's independence and credibility by legitimizing destructive economic policies. If the United Nations and its agencies were to guarantee human rights, they must reconsider their position of favouring the private interests of multinational corporations.

102. Mr. MOYA (American Association of Jurists) urged that the debt of the countries affected by hurricane Mitch be cancelled. The foreign debt of the developing countries in general was steadily rising and would never be reimbursed. On various occasions in the course of the twentieth century, the great Powers had decided not to pay their debts. Accordingly, the debt of the developing countries should be cancelled.

103. With the help of ruling elites, international economic interests had arrogated to themselves the right to take decisions, depriving citizens of their right to participate and the United Nations system had jumped on the bandwagon. The report of the High Commissioner for Human Rights (E/CN.4/1999/18) said that the corporate sector should identify its role in the promotion of a human centred sustainable development at the global level (para. 6). The dominant neoliberal belief was that human society was organized and conditioned by economic relations, and thus attributed a basic role to entrepreneurs and especially to multinational corporations. It was no accident that the same transnational consulting firm, Price Waterhouse, had served the Thatcher Government, Exxon and the United Nations Office at Geneva.

104. The report of the High Commissioner mentioned that UNCHR and UNDP had concluded a cooperation agreement which was already being implemented. UNDP had recently set up the Global Sustainable Development Facility (GSDF) in association with giant transnational corporations, many of which had been responsible for serious violations of human rights and environmental damage.

105. Mr. RABB (Himalayan Research and Cultural Foundation) said that the right to development was of particular importance to countries which, for historical reasons, had still not overcome hunger, poverty, unemployment, lack of housing and disease. The right to development, and hence all human rights, could be realized only if there was a favourable environment for their implementation.

106. Experience had shown that terrorism and fundamentalism represented the main challenge to realizing the right to development. In the past eight years, Pakistani sponsored terrorism had destroyed the economy of Jammu and Kashmir. Pakistan was still sending fanatical mercenaries to disrupt the peace and hinder development efforts. They had recently massacred 11 labourers who had been building a road, and 16 others had been killed a short while before that in the Doda district. The barbaric techniques they used involved butchery, quartering, blinding and strangulation. The international community in general and the Commission in particular should bring pressure to bear on Pakistan to halt its support for mercenaries and to allow the people of Jammu and Kashmir to realize their right to development.

107. Mr. ARIF (Afro-Asian People's Solidarity Organization) said that the peace and security essential for the enjoyment of the fruits of individual and collective labour were lacking. Geostrategic ambitions, terrorism and fundamentalism had produced conflicts that were destroying societies and negating the efforts undertaken over decades. Forces seeking to return societies to the middle ages had reduced the standards of living, requiring as they did a scorched and barren land in which to plant their perverse ideologies.

108. In Afghanistan, Pakistan and Bangladesh, the likes of the Taliban and the Harkat-ul-Ansar were resorting to violence, while in India the Lashkar-e-Tayba had called for a jihad against Hindus. Whole families were being murdered because of their religion. In Kashmir, infrastructure was being systematically destroyed by fundamentalist terrorism and the ethnic conflict in Sri Lanka showed no signs of abating. Apart from the monetary cost of combating terrorism, individual and collective freedoms, and hence the right to development, had become casualties as well.

109. Development implied the overall realization of human potential, and required peace and security. The international community must act to ensure the right to development of people subjected to terrorism and to stop States allowing terrorists to operate from their territories.

The meeting rose at 11.55 p.m.